



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 4273-02  
9 October 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 October 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 28 February 1979 at age 18. During the period from 26 September 1979 to 28 August 1981 you received nonjudicial punishment on four occasions and were convicted by a special court-martial. Your offenses included 11 periods of unauthorized absence totaling about 91 days, missing ship's movement, disobedience, disrespect, and breaking restriction.

Based on the foregoing record, you were processed for an administrative discharge by reason of a pattern of misconduct. In connection with this processing, you elected to waive the right to have your case considered by an administrative discharge board. On 4 September 1981, before the discharge authority could act on your case, you began a period of unauthorized absence that lasted until you were apprehended 696 days later.

A special court-martial convened on 23 September 1983 and convicted you of the 696 day period of unauthorized absence. The court sentenced you to reduction to pay grade E-1, forfeiture of \$280 pay per months for two months, confinement at hard labor for two months and a bad conduct discharge. Subsequently, you began appellate leave and remained in that status until the bad conduct

discharge was issued on 13 July 1984.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the fact that you have had a bad conduct discharge for over 18 years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially your final lengthy period of unauthorized absence. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director